

FREEDOM COURT REPORTING

1

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF ALABAMA

EASTERN DIVISION

CIVIL ACTION NUMBER: 3:05-cv-0741-WKW

BARRY BUCKHANON and RODNEY FRALEY,

Plaintiffs,

vs.

ORIGINAL

HUFF & ASSOCIATES CONSTRUCTION

COMPANY, INC.,

Defendant.

DEPOSITION OF JOHN D. HUFF, JR.

In accordance with Rule 5(d) of
The Alabama Rules of Civil Procedure as
Amended, effective May 15, 1988, I,
VIRGINIA DENESE BARRETT, am hereby
delivering to Mr. James R. Bowles, the
original transcript of the oral testimony
taken on the 26th day of April, 2006,
along with exhibits.

Please be advised that this is
the same and not retained by the Court
Reporter, nor filed with the Court.

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3 EASTERN DIVISION

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6 Plaintiffs,

7 vs.

8 HUFF & ASSOCIATES CONSTRUCTION

9 COMPANY, INC.,

10 Defendant.

11
12 S T I P U L A T I O N

13 IT IS STIPULATED AND AGREED by

14 and between the parties through their
15 respective counsel, that the deposition of

16 JOHN D. HUFF, JR., may be taken before

17 Denese Barrett, Commissioner, at the

18 offices of Adams, Umbach, Davidson &

19 White, 205 South 9th Street, Opelika,

20 Alabama, on the 26th day of April, 2006.

21 IT IS FURTHER STIPULATED AND

22 AGREED that the signature to and the

23 reading of the deposition by the witness

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1 is waived, the deposition to have the same
2 force and effect as if full compliance had
3 been had with all laws and rules of Court
4 relating to the taking of depositions.

5 IT IS FURTHER STIPULATED AND
6 AGREED that it shall not be necessary for
7 any objections except as to form or
8 leading questions, and that counsel for
9 the parties may make objections and assign
10 grounds at the time of the trial, or at
11 the time said deposition is offered in
12 evidence, or prior thereto.

13 IT IS FURTHER STIPULATED AND
14 AGREED that the notice of filing of the
15 deposition by the Commissioner is waived.
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7 vs.

8 HUFF & ASSOCIATES CONSTRUCTION

9 COMPANY, INC.,

10 Defendant.

11 BEFORE:

12 VIRGINIA DENESE BARRETT, Commissioner

13 APPEARANCES:

14 BOWLES & COTTLE, by Mr. James R.

15 Bowles, 2 South Dubois Avenue, Tallassee,

16 Alabama 36078, appearing on behalf of the

17 Plaintiffs.

18 RUSHTON, STAKELY, JOHNSTON &

19 GARRETT, by Mr. Ben C. Wilson, 184

20 Commerce Street, Montgomery, Alabama,

21 36104, appearing on behalf of the

22 Defendant.

23 ALSO PRESENT: Ms. Patricia Huff

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1 JOHN D. HUFF, JR.

2 The witness, having been first
3 duly sworn or affirmed to speak the truth,
4 the whole truth, and nothing but the
5 truth, testified as follows:

6 EXAMINATION

7 BY MR. BOWLES:

8 Q. Mr. Huff, you sat in on
9 Mr. Myers' deposition, so you know sort of
10 how this is going to go.

11 A. Yes, sir.

12 Q. I'm Bobby Bowles, and I
13 represent Barry Buckhanon and Rodney
14 Fraley in this lawsuit they filed against
15 your company, Huff and Associates
16 Construction Company.

17 A. Yes.

18 Q. I'm going to ask you some
19 questions this morning. Some of the
20 questions will be background information,
21 and some of them will be about the case.
22 If I ask you a question that you don't
23 understand, just ask me to repeat it or

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1 rephrase it for you.

2 A. Okay.

3 Q. I'm not trying to trick you.

4 I just want to find out what you know
5 about the case.

6 A. All right.

7 Q. If you need to take a break
8 at any time, just let us know and we can
9 stop. If you need to get a drink of water
10 or you need to go to the rest room,
11 anything like that. Okay?

12 A. Yes, sir.

13 Q. Would you state your full
14 name for the record?

15 A. John D. Huff, Jr.

16 Q. Where do you live, Mr. Huff?

17 A. 2025 Country Square Road,
18 Auburn, Alabama.

19 Q. All right. How long have you
20 lived at that address?

21 A. Thirty years.

22 Q. How old are you?

23 A. Sixty-one.

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1 Q. Okay. And what's your
2 birthday?

3 A. 1/20/45.

4 Q. Okay. Can you hear me okay?

5 A. Yes, sir.

6 Q. Okay. Sometimes I don't hear
7 so good.

8 A. You might not can hear me
9 sometimes, but --

10 Q. Okay. And I assume you're
11 married and this is your wife with you
12 today?

13 A. That's correct. Yes, sir.

14 Q. And for the record, what is
15 your wife's name?

16 A. Patricia M. Huff.

17 Q. How long have you and your
18 wife been married to each other?

19 A. Forty years.

20 Q. Do you have any children?

21 A. Two children.

22 Q. What are their names and
23 ages?

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1 A. John I. Huff. He's my son.
2 He's thirty-seven years old.

3 Q. Where does your son live and
4 work?

5 A. He lives in Auburn. He lives
6 in -- he works for me.

7 Q. He works for Huff and
8 Associates?

9 A. Yes, sir.

10 Q. What does he do for Huff and
11 Associates?

12 A. He's a project manager.

13 Q. And do you have another
14 child?

15 A. Yes, sir. I've got a
16 daughter named Heather Ann Huff.

17 Q. Where does she live?

18 A. She lives in Atlanta,
19 Georgia.

20 Q. Does she work?

21 A. Yes, sir. She works with a
22 computer service.

23 Q. Okay. Have you ever been

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1 married to anyone else?

2 A. No, sir.

3 Q. Okay. Can you briefly give
4 me your educational background?

5 A. Yes, sir. I graduated from
6 Waycross High School in 1963. Went to
7 Auburn University. I graduated from
8 Auburn University in 1968. Went to work.
9 That's my education.

10 Q. What was your major in at
11 Auburn?

12 A. Building construction. It
13 was building construction.

14 Q. Have you been in the building
15 construction industry ever since you
16 graduated from college?

17 A. Yes, sir.

18 Q. And before I get into all of
19 that, do you belong to any clubs or
20 fraternal organizations in Lee County like
21 the Rotary Club, Lions Club, anything like
22 that?

23 A. No, sir.

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1 Q. Okay. Do you belong to any
2 fraternal organizations?

3 A. No, sir.

4 Q. Like the Moose Club or
5 something like that?

6 A. No, sir.

7 Q. Have you ever been in the
8 military?

9 A. No, sir.

10 Q. Okay. Do you attend church?

11 A. Yes, sir.

12 Q. Where do you go to church?

13 A. Well, I go to First Baptist
14 Church in Opelika.

15 Q. Are you a member of that
16 church?

17 A. Yes, sir.

18 Q. And do you hold any position
19 in the church?

20 A. No, sir.

21 Q. Okay. And I know the answer
22 to this. But are you affiliated with Huff
23 and Associates Construction Company?

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1 A. I'm president.

2 Q. Okay. And is Huff and
3 Associates Construction Company a
4 corporation?

5 A. That is correct.

6 Q. Okay. Do you recall when
7 Huff and Associates Construction Company
8 was first incorporated?

9 A. It was incorporated in 1976
10 under the name of Gibbs and Huff. Then
11 two years later in 1978, my partner was --
12 we went different ways and I had to change
13 the name to Huff and Associates.

14 Q. I'm sorry. What was the
15 first name of the company?

16 A. Gibbs and Huff.

17 Q. Okay. And was this just a
18 name change of the corporation?

19 A. Yes, sir.

20 Q. It wasn't a brand new
21 corporation?

22 A. No, sir. It was a name
23 change.

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1 Q. For convenience sake, I'm
2 just going to call this Huff and
3 Associates from here on out.

4 A. That's correct.

5 Q. Was Huff and Associates
6 incorporated in Lee County?

7 A. I think that is correct.
8 Yeah. I -- it was an Alabama corporation.

9 Q. Where is the principal office
10 of the corporation?

11 A. 1220 Foxwood Parkway,
12 Opelika, Alabama.

13 Q. What is that zip?

14 A. 36803.

15 Q. Okay. Does Huff and
16 Associates have any offices other than the
17 one in Opelika?

18 A. No.

19 Q. Do you have one in any other
20 city?

21 A. No, sir.

22 Q. Or any other state?

23 A. No, sir.

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1 Q. What type of construction
2 work does Huff and Associates primarily
3 perform?

4 A. We're general contractors.

5 Q. Is it mostly commercial work?

6 A. No, sir. Mostly apartments.

7 Q. Okay. Do you do any
8 commercial work?

9 A. We have in the past. Won't
10 in the future.

11 Q. You won't in the future?

12 A. That's correct.

13 Q. Okay. Do you build any
14 houses?

15 A. No, sir.

16 Q. Mostly apartments?

17 A. That's correct. Yes, sir.

18 Q. Mostly on the university
19 campus or off campus?

20 A. Most of these are financed
21 apartments.

22 Q. Okay. And do you do any work
23 outside the state of Alabama?

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1 A. Yes, sir.

2 Q. What other states do you
3 operate in?

4 A. Georgia, Florida, Mississippi
5 and Tennessee.

6 Q. Okay. And do you operate in
7 all parts of Alabama?

8 A. Yes, sir.

9 Q. Okay. How many full-time
10 employees does Huff and Associates have at
11 the present time?

12 A. I would say twenty. I really
13 don't know. I'd have to go back and look
14 in the payroll because I really don't know
15 there.

16 Q. I'm not trying to pin you
17 down, but would you say about twenty?

18 A. Yes, sir.

19 Q. And has that been pretty much
20 the average over the years?

21 A. Yes, sir.

22 Q. All right. And do you also
23 have some part-time employees?

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1 A. Yes, sir.

2 Q. Approximately how many
3 part-time employees do you keep on the
4 payroll?

5 A. It depends on how many jobs
6 we have going on. If we have five jobs,
7 we've probably got twenty-five additional
8 people.

9 Q. Okay. Do you sub out a lot
10 of your work?

11 A. Most of our work in the
12 apartment work is about ninety-five
13 percent subbed out.

14 Q. Okay. Now, I believe you
15 said you were the president of Huff and
16 Associates; is that correct?

17 A. That is correct. That's
18 correct.

19 Q. How long have you been the
20 president?

21 A. Since the formation.

22 Q. Since 1976?

23 A. Yeah.

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1 Q. Or '78?

2 A. Yes, sir.

3 Q. Okay. And who is the vice
4 president of Huff and Associates?

5 A. There's not one.

6 Q. Who is the secretary?

7 A. My wife.

8 Q. Okay. And who is the
9 treasurer?

10 A. My wife.

11 Q. Okay.

12 A. Patricia M. Huff.

13 Q. Okay. Do you have a board of
14 directors of the corporation?

15 A. Yes.

16 Q. Who all is on the board of
17 directors?

18 A. Me and my wife.

19 Q. Just the two of you?

20 A. Yes.

21 Q. Has there ever been anybody
22 else on the board of directors?

23 A. I'd have to go back and

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1 check. I really don't know.

2 Q. But you don't remember
3 anybody?

4 A. I don't remember. No, sir.

5 Q. And who are the stockholders
6 of the corporation?

7 A. Myself.

8 Q. Are you the sole stockholder?

9 A. Yes, sir.

10 Q. Do you own one hundred
11 percent of the stock?

12 A. Yes, sir. Yes, sir.

13 Q. Mr. Huff, do you know Robert
14 L. Myers, Jr., also known as Bobby Myers?

15 A. Yes, sir.

16 Q. I know you sat in on this,
17 and you may think these are foolish
18 questions because I've already asked him
19 some of them. But I want to get your
20 answers on the record. Okay. Is Bobby --
21 I'm going to call him Bobby Myers if
22 that's okay, because that's what you call
23 him, isn't it?

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1 A. Yes.

2 Q. Is Bobby Myers currently
3 employed by Huff and Associates?

4 A. No, sir.

5 Q. When was Mr. Myers first
6 hired by Huff and Associates?

7 A. I'd have to go back and look.
8 He was hired at one time, and then he left
9 us and then he stayed gone. And then he
10 came back and we hired him again. So I
11 really don't -- I can't give you dates.

12 Q. If some of the records show
13 that he might have been hired the second
14 time in 1994, would that be about right?

15 A. I would assume so.

16 Q. Okay. He'd been there about
17 ten or twelve years before he left?

18 A. I don't -- I'd have to go
19 back and look at the records to be able to
20 be sure.

21 Q. Is Mr. Myers now retired from
22 Huff and Associates?

23 A. Yes, sir.

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1 Q. When did he retire?

2 A. He retired after we finished
3 the KA job.

4 Q. Do you remember when that
5 was?

6 A. No, sir, I don't.

7 Q. If he said it was in February
8 of '06, would that sound about right?

9 A. I would have to assume that's
10 correct.

11 Q. Okay. Did Mr. Myers work
12 continuously for Huff and Associates from
13 the time he came back the second time up
14 until his retirement?

15 A. Right there I'd have to go
16 back and look at the record because I'm
17 not sure. I want to say yes, but then
18 I've got my doubts that it was. But I
19 don't really know.

20 Q. Okay. And what was
21 Mr. Myers' job during this last tenure of
22 employment with Huff and Associates?

23 A. He was a superintendent of

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1 the jobs.

2 Q. Okay. And did he ever hold
3 any other position that you know of for
4 the company?

5 A. Well, back when he was first
6 hired, back the first time when he was
7 hired, he was hired as a mechanic and to
8 maintain my equipment.

9 Q. Okay. Within the second
10 tenure, just say the last ten years or so,
11 his job was strictly as a superintendent?

12 A. Yes, sir.

13 Q. Okay. What are a
14 superintendent's duties with your company?

15 A. Superintendent is designated
16 a job to build according to the plans and
17 specifications of the contract.

18 Q. Okay. Is the superintendent
19 the highest ranking employee of Huff and
20 Associates on the job site?

21 A. Well, full-time. He's a
22 hired full-time employee. But we have
23 project managers that go by once a week to

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1 get with the superintendent to coordinate
2 subs and materials and necessary items
3 that he needed to build the job.

4 Q. Is the superintendent on the
5 job site the person that's responsible for
6 hiring and firing of employees?

7 A. Yes, sir.

8 Q. Okay. Do you consider
9 yourself to be a personal friend of Bobby
10 Myers?

11 A. Yes, sir.

12 Q. Okay. Do you know him well?

13 A. Well, business side, yes.

14 Q. Do y'all socialize together?

15 A. No, sir. Well, once in a
16 while, but not regular.

17 Q. Well, I understand you see
18 each other at work every day?

19 A. Oh, yes, sir.

20 Q. Or frequently. But I'm
21 talking about after hours.

22 A. No.

23 Q. Do y'all ever visit in each

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1 other's home?

2 A. No, sir. Well, yes, sir, at
3 a Christmas party. That's what I'm
4 saying. At a Christmas party or something
5 like that, a company function.

6 Q. That's where everybody gets
7 together?

8 A. Yes, sir.

9 Q. But have you ever been to his
10 house to eat dinner?

11 A. No, sir.

12 Q. Has he ever been to your
13 house to eat dinner?

14 A. Not -- not that I recall.

15 Q. Okay. How often did you
16 visit the job sites where Bobby Myers was
17 the superintendent during the period of
18 time that he was working for Huff and
19 Associates?

20 A. Myself, I really couldn't say
21 I went over there, you know -- I couldn't
22 really say. I tried to go by at least
23 once a week to once a month.

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1 Q. During the times that you've
2 been around Bobby Myers, have you ever
3 heard him use the word nigger when he was
4 referring to black employees of Huff and
5 Associates?

6 A. No, sir.

7 Q. Never heard him use that
8 word?

9 A. No, sir.

10 Q. I want to ask you this in two
11 different ways. Have you ever overheard
12 Bobby Myers use the word nigger when he
13 was just referring to black employees of
14 Huff and Associates?

15 A. No, sir. No, sir.

16 Q. Have you ever heard Bobby
17 Myers use the word nigger when he was
18 actually talking to black employees of
19 Huff and Associates?

20 A. No, sir.

21 Q. Okay. Have you ever heard
22 Bobby Myers use the word nigger when he
23 was just referring to black folks in

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1 general?

2 A. No, sir.

3 Q. Have you ever heard Bobby
4 Myers use the word nigger at any time
5 during the years that you've known him?

6 A. No, sir, I haven't.

7 Q. Okay. Do you use the word
8 yourself?

9 A. No, sir.

10 Q. Have you ever overheard Bobby
11 Myers tell black employees of Huff and
12 Associates, quote, Your kind don't know
13 anything, end of quote?

14 A. No, sir.

15 Q. Have you ever heard Bobby
16 Myers make insulting and denigrating
17 comments to the Mexican or Hispanic
18 workers on his job sites?

19 A. No, sir, I haven't.

20 Q. Have you ever heard Bobby
21 Myers tell the Hispanic or Mexican
22 workers, quote, They needed to go back to
23 Mexico and that they didn't know anything,

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1 end of quote?

2 A. No, sir. No, sir.

3 Q. Have you ever heard Bobby
4 Myers swearing or cursing at employees of
5 Huff and Associates?

6 A. No, sir.

7 Q. Do you know whether or not
8 Bobby Myers uses profane language?

9 A. Not to my knowledge.

10 Q. You never heard him use any?

11 A. No, sir.

12 Q. Is swearing, cursing and
13 using racial slurs acceptable behavior at
14 Huff and Associates?

15 A. No, sir, it's not.

16 Q. Does Huff and Associates have
17 any kind of policy whether it's written or
18 unwritten regarding the use of offensive
19 and racially derogatory language by its
20 employees?

21 A. Well, there's a sign on the
22 job, every job we have. It says equal
23 opportunity employer that gives all of

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1 that stuff. Everybody is aware of it.
2 And we are an equal opportunity employee.
3 Repeat the question. I might not have
4 answered it.

5 Q. But if you knew that one of
6 your employees was using racial slurs and
7 racial derogatory language in addressing
8 black employees, would you put up with it?

9 A. No, sir.

10 Q. What would you do?

11 A. If I knew -- if I knew about
12 it, I would investigate it and find out
13 the truth and then I'd take the necessary
14 action.

15 Q. Would you fire them?

16 A. Yes. If that was what it
17 took, yes.

18 Q. Has anybody ever reported to
19 you that Bobby Myers was using profane
20 racially derogatory language towards
21 employees of Huff and Associates?

22 A. No, sir.

23 Q. Have you ever received any

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1 complaints from anyone that Bobby Myers
2 was abusive, intimidating and threatening
3 towards your employees?

4 A. No, sir.

5 Q. And you have never personally
6 witnessed anything like that, have you?

7 A. No, sir, I haven't.

8 Q. Do you consider Bobby Myers
9 to be a racist?

10 A. No, sir.

11 Q. Do you know Barry Buckhanon
12 and Rodney Fraley?

13 A. No, sir. I have not -- I
14 have not -- I have not met them
15 personally. To my knowledge, no. I know
16 they worked on the job and while I was out
17 there and I could have seen them. But I
18 couldn't tell you what they look like.

19 Q. Do you know James Langley?

20 A. Yes, sir.

21 Q. Do you know where he's living
22 or working these days?

23 A. He's working for us.

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1 Q. For Huff?

2 A. Yes.

3 Q. He's working for Huff and
4 Associates?

5 A. Yes.

6 Q. On what job?

7 A. He was in -- let's see. It's
8 an apartment renovation that we're doing
9 in Tuskegee, Alabama.

10 Q. Do you know where he lives?

11 A. He lives somewhere around
12 Tallassee. I'm not sure exactly where it
13 is.

14 Q. Okay. Have you talked to
15 James Langley about this lawsuit?

16 A. No, sir.

17 Q. Have you talked to anybody
18 about this lawsuit other than your
19 attorney?

20 A. No, sir.

21 Q. Okay.

22 A. My wife.

23 Q. Well, have you talked to

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1 Mr. Myers about it?

2 A. Well, no, sir.

3 Q. Y'all didn't discuss it
4 before you came in today?

5 A. No, sir.

6 MR. WILSON: They've talked --
7 the three of us have
8 discussed it.

9 A. Well, the three of us talked.
10 Not individually I have not talked to
11 Bobby Myers about it.

12 Q. I don't want you to tell me
13 what you talked about in front of
14 Mr. Wilson. But I'm just wondering if you
15 and Mr. Myers had gotten together
16 somewhere and talked about it.

17 A. No, sir. No.

18 Q. Let me show you what I've
19 marked as Plaintiffs' Exhibit Number 1 and
20 ask you if you've ever seen that document?

21 A. I would assume this is a
22 document we turned in to Auburn University
23 or somebody on the KA House.

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1 Q. Okay. What is that?

2 A. That's sort of a flow chart
3 that showed how the organization is set
4 up. Of course, it's got -- it doesn't
5 have my name up there, but it's got my
6 son's name, John I. Huff, project manager;
7 Quentin Williams, project manager; Bobby
8 Myers, superintendent. And that's the
9 flow of the -- that's how you progress.

10 Q. Okay. This says this is the
11 organizational chart for the KA House?

12 A. Yes, sir.

13 Q. June the 1st, 2004 through
14 July the 30th, 2004?

15 A. Yes, sir.

16 Q. And does that show that John
17 I. Huff was the senior project manager?

18 A. That's correct.

19 Q. That is yourself?

20 A. No. That's my son.

21 Q. Oh, your son. I'm sorry.
22 And that Quentin William was the project
23 manager?

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1 A. Under John I., yes, sir.

2 Q. Quentin Williams was the
3 project manager?

4 A. That is correct.

5 Q. Now, we haven't talked about
6 Quentin Williams very much. Who is he?

7 A. He's a project manager that
8 we hired to help the superintendent to
9 build the job.

10 Q. Does he still work for Huff
11 and Associates?

12 A. No, sir.

13 Q. Where does he work these
14 days?

15 A. He's here somewhere in Lee
16 County. He left us and started building
17 houses.

18 Q. Okay. But he lives here in
19 Lee County?

20 A. Yeah. To my knowledge, he
21 does.

22 Q. How long did he work for Huff
23 and Associates?

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1 A. I would say -- if I had to
2 guess, I'd say over a year. But I'd have
3 to check the reports.

4 Q. Was this the only job he
5 worked on?

6 A. No, sir. He worked on that
7 one job in Alex City -- I mean, not Alex
8 City. Roanoke. Roanoke on the high
9 school.

10 Q. And, of course, this document
11 shows that Robert Myers was the
12 superintendent?

13 A. Yes, sir.

14 Q. And then under him you've got
15 the carpenters and laborers?

16 A. That's correct.

17 Q. Let me show you what I've
18 marked as Plaintiffs' Exhibit Number 2 and
19 ask if you can identify that document?

20 A. This is the -- something
21 somebody prepared. It shows the name of
22 the people and the project manager, the
23 carpenters and laborers, I assume. I

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1 assume that's for the KA House. I really
2 don't know.

3 Q. This says that this is the
4 work force roster for Huff and Associates
5 as of May the 1st, 2004; is that correct?

6 A. No. That's for -- like I
7 say, I assume that's for the KA House, but
8 it doesn't say that.

9 Q. Okay. So you don't know if
10 this is limited just to the KA House or
11 whether it's for the whole company?

12 A. I know it's not for the whole
13 company.

14 MR. WILSON: Just to clarify, I
15 think I can clear it up. I
16 think that was prepared for
17 EEOC, and that is our
18 understanding of the KA
19 House roster.

20 Q. Okay. Who is Willie Frank
21 Finley? Do you know him?

22 A. Yeah.

23 Q. Does he still work for Huff

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1 and Associates?

2 A. No, sir. He retired. He's a
3 colored guy.

4 Q. Is he black?

5 A. Yes, sir.

6 Q. Who is Hiber Espinosa?

7 A. I don't know him.

8 Q. Do you know him?

9 A. No, sir.

10 Q. Does he still work for Huff
11 and Associates?

12 A. Not to my knowledge.

13 Q. Okay. Do you know Kenneth
14 McClellan?

15 A. No, sir.

16 Q. Does he still work for Huff
17 and Associates?

18 A. Not to my knowledge.

19 Q. Okay. Do you know Raymond
20 Morales?

21 A. No, sir.

22 Q. Does he still work for Huff
23 and Associates?

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1 A. I have no idea.

2 Q. Let me show you what I've
3 marked as Plaintiffs' Exhibit Number 3 and
4 ask you if you've ever seen that document?

5 A. That's the same thing we just
6 discussed, which I would assume it's a
7 different week. I really don't know what
8 it refers to.

9 Q. It says Huff and Associates
10 current work force roster. But you don't
11 know what current period that was, do you?

12 A. No. That is correct. No,
13 sir, I don't.

14 MR. WILSON: Again, that may be
15 the current roster on the
16 KA project as of the time
17 that was created.

18 Q. Okay. Do you know Rodrigo
19 Baez?

20 A. No, sir.

21 Q. Is he an employee of Huff and
22 Associates?

23 A. I have no idea.

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1 Q. Let me show you what I've
2 marked as Plaintiffs' Exhibit Number 4 and
3 ask you if you've ever seen that document?

4 A. If I -- if I might have
5 looked at it. I don't know what it is. I
6 mean, I don't know. You know, I don't
7 know who prepared it or why it was
8 prepared. That's part of my payroll
9 people that keeps up with this and part my
10 wife who oversees it to get up a report
11 like this.

12 Q. Okay. Does this appear to be
13 a list of Huff and Associates terminations
14 in 2004? Is that what it appears to be?

15 A. Yes, sir. I would assume so.
16 But there again, I don't know whether it
17 was the whole company or KA House or you
18 know, what, because it doesn't say that.

19 Q. Do you know who prepared this
20 document?

21 A. No, sir. I'd have to ask my
22 wife. But me personally, I don't know
23 who. I didn't.

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1 MR. BOWLES: Okay. I'd like to
2 offer Plaintiffs' Exhibits
3 1 through 4 as attachments
4 to the deposition.

5 Q. Mr. Huff, let me just put
6 this on the record. I don't want to ask
7 too many questions about this, but are you
8 currently having any health problems?

9 A. No, sir.

10 Q. Have you had a stroke?

11 A. Yes, sir, I have.

12 Q. Okay. When did you have your
13 stroke?

14 A. Thirteen years ago. I think
15 it was July the 17th, 1994.

16 Q. Okay. Have you been able to
17 continue working after that full --

18 A. Yes, sir. After I -- after
19 six weeks of rehab, I went straight back
20 to work.

21 Q. Okay. Are you still working
22 full-time?

23 A. I sure am. Yes, sir.

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1 Q. Okay. Well, that's
2 commendable. But I'm just wondering if
3 you have been limited in any way by your
4 health.

5 A. Well, I have by going on the
6 jobs and walking. You know, where it's
7 raining or something like that, I have to
8 take my time when I go on the job so I
9 don't get hurt or cause an accident.

10 Q. Okay. Has your memory been
11 affected in any way by the stroke?

12 A. Not the least, thank
13 goodness.

14 Q. It's just all physical?

15 A. Yes. Just the left side, leg
16 and arm.

17 Q. Okay. But your mind is fine?

18 A. Yes, sir.

19 MR. BOWLES: Okay. I believe
20 that's all. Thank you very
21 much.

22 MR. WILSON: I don't have
23 anything.

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CERTIFICATE

STATE OF ALABAMA

ELMORE COUNTY

I hereby certify that the
above and foregoing deposition was
taken down by me in stenotype and the
questions and answers thereto were
transcribed by means of computer-aided
transcription, and that the foregoing
represents a true and correct transcript
of the testimony given by said witness
upon said hearing.

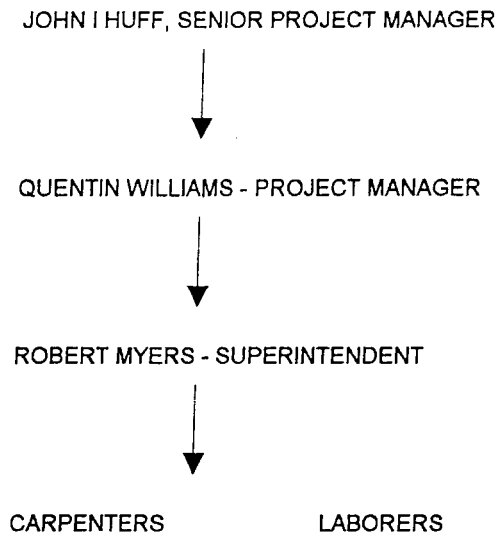
I further certify that I am
neither of counsel, nor of kin to the
parties to the action, nor am I in anywise
interested in the result of said cause.

Virginia Denise Barrett

VIRGINIA DENESE BARRETT

MY COMMISSION EXPIRES 5/19/07

HUFF & ASSOCIATES CONSTRUCTION COMPANY
ORGANIZATIONAL CHART FOR THE KA HOUSE
JUNE 1, 2004 THROUGH JULY 30, 2004



HUFF & ASSOCIATES MAY 1, 2004 WORK FORCE ROSTER			
EMPLOYMENT			
NAME	RACE	DATE	TITLE
QUENTIN WILLIAMS	?		PROJECT MANAGER
ROBERT MYERS	?	01/10/1994	SUPERINTENDANT
JAMES LANGLEY	?	08/20/1998	CARPENTER
MARK MYERS	?	11/12/2001	CARPENTER
WILLIE FRANK FINLEY	?	06/18/2001	LABORER
HIBER ESPINOSA	?	09/11/2001	LABORER
KENNETH MCCLELLAN	?	04/19/2004	LABORER
RAMON MORALES	?	05/03/2004	LABORER



HUFF & ASSOCIATES CURRENT WORK FORCE ROSTER			
NAME	RACE	EMPLOYMENT DATE	TITLE
ROBERT MYERS	?	01/10/1994	SUPERINTENDANT
MARK MYERS	?	11/12/2001	CARPENTER
WILLIE FRANK FINLEY	?	06/18/2001	LABORER
RODRIGO BAEZ	?	11/02/2004	LABORER



HUFF & ASSOCIATES TERMINATIONS IN 2004

NAME	RACE	EMPLOY. DATE	TITLE	TERM. DATE	REASON	TERM. OFFICIAL
TRAVIS GILSON	?	01/01/1999	CARPENTER	06/24/2004	QUIT	MYERS
DANIEL RODRIGUEZ	?	02/12/2002	LABORER	06/16/2004	QUIT	BATTLE
ARTEMIO SANTIZ	?	08/28/2002	LABORER	07/31/2004	QUIT	BATTLE
JUAN RODRIGUEZ	?	08/05/2003	LABORER	06/16/2004	QUIT	BATTLE
CHRISTOPHER JACKSON	?	07/16/2003	LABORER	08/28/2004	LAY-OFF	VANAUSDALL
ROBERT ASHLER	?	11/04/2003	LABORER	06/10/2004	QUIT	MANN
JAMES WRIGHT	?	01/05/2004	LABORER	08/12/2004	QUIT	MANN
JAMES MONEY	?	11/11/2002	CARPENTER	05/26/2004	QUIT	BATTLE
JUSTIN HENRY	?	09/15/2003	LABORER	06/30/2004	DISCHARGE	BATTLE
ERVIN CARTLIDGE	?	02/04/2003	LABORER	02/16/2004	QUIT	MYERS
DEAS LAMB	?	06/04/2003	CARPENTER	02/21/2004	QUIT	MYERS
VANN WEBB	?	06/23/2003	CARPENTER	04/24/2004	QUIT	MANN
RIGOBERTO AGUILAR	?	06/23/2003	LABORER	06/23/2004	QUIT	WELDON
KENNETH MCCLELLAN	?	04/19/2004	LABORER	05/05/2004	QUIT	MYERS
JOSH HENRY	?	10/27/2003	LABORER	03/02/2004	DISCHARGE	BATTLE
TRISTIAN HAYNES	?	11/17/2003	LABORER	02/20/2004	QUIT	WELDON
JOSHUA BISHOP	?	11/27/2003	LABORER	01/19/2004	QUIT	WELDON
PAUL RENZULLI	?	12/02/2003	LABORER	03/26/2004	DISCHARGE	VANAUSDALL
STEVEN BROWN	?	12/30/2003	LABORER	01/30/2004	QUIT	BATTLE
DAVID MCDANIEL	?	03/03/2004	CARPENTER	03/30/2004	QUIT	VANAUSDALL
JASON HYBIK	?	03/03/2004	LABORER	03/08/2004	QUIT	WELDON
WILLIAM GRUBBS	?	05/10/2004	LABORER	09/28/2004	QUIT	MANN
ROBERT CONNELL	?	05/11/2004	LABORER	07/05/2004	QUIT	MYERS
JIMMY CUMMINGS	?	05/17/2004	LABORER	05/18/2004	QUIT	BATTLE
BARRY BUCKHANNON	?	06/02/2004	LABORER	07/26/2004	DISCHARGE	MYERS
RODNEY FRALEY	?	06/02/2004	LABORER	07/27/2004	QUIT	MYERS
CEDRIC BENNETT	?	06/10/2004	LABORER	08/24/2004	ENDED	EHRMANN
JOHN MCDADE	?	06/16/2004	LABORER	07/15/2004	QUIT	MYERS
KENNORUIS PENNYMON	?	06/17/2004	LABORER	07/02/2004	QUIT	WELDON
JOSE RODRIGUEZ	?	06/23/2004	LABORER	07/10/2004	QUIT	BATTLE
GREGORY CROCKER	?	06/22/2004	LABORER	11/02/2004	ENDED	
JAMES FRANCIS	?	07/06/2004	LABORER	11/05/2004	ENDED	
AARON MAHAULU	?	07/07/2004	LABORER	08/13/2004	ENDED	
DONTA TILLIS	?	07/12/2004	LABORER	08/04/2004	ENDED	
OSEAS CHAVEZ	?	07/23/2004	LABORER	08/05/2004	QUIT	MYERS
ANTONIO CURTEZ	?	07/23/2004	LABORER	09/06/2004	QUIT	MYERS
BOBBY NICHOLS	?	07/26/2004	LABORER	09/30/2004	QUIT	MYERS
KIP JACKSON	?	07/26/2004	LABORER	08/24/2004	ENDED	
TIMOTHY MIZZELL	?	08/23/2004	LABORER	09/15/2004	QUIT	WELDON
DANIEL BROOKS	?	08/23/2004	LABORER	11/04/2004	QUIT	MYERS
JEFFERY ROLAND	?	10/28/2004	LABORER	11/01/2004	QUIT	MYERS
JOEL DOMINGO	?	11/02/2004	LABORER	11/03/2004	QUIT	MYERS
GUSTAVO ALVAREZ	?	11/02/2004	LABORER	11/03/2004	QUIT	MYERS
WILLIAM CROCKER	?	11/03/2004	LABORER	12/06/2004	ENDED	

PLAINTIFF'S
EXHIBIT

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